

## Advocacy Files Comments on “Phase 2” NEPA Revisions

On July 31, the Council on Environmental Quality (CEQ) published a proposed rule titled “[National Environmental Policy Act Implementing Revisions Phase 2.](#)”

The “Phase 2” proposed rule changes the existing National Environmental Policy Act (NEPA) process by adding requirements to consider climate change and environmental justice when conducting project reviews. Additionally, CEQ proposes change to NEPA’s public participation process and considers reforms aimed at increasing transparency in the review process. Finally, CEQ makes changes to NEPA required by the June 2023 Fiscal Responsibility Act, including time and page limits for NEPA documents.

The Office of Advocacy filed comments on the proposed rule on September 29, 2023. Advocacy raised multiple concerns, including:

- CEQ’s proposed changes to NEPA will impact small businesses by increasing costs and delays on certain projects. The proposed rule ignores the statute’s neutral procedural nature and alters the review process in a manner that may prefer some projects over others.
- The proposed rule adds duplicative regulatory requirements to the review process.
- The proposed rule will make it more difficult to achieve time and page limits for NEPA reviews mandated by the recently enacted Fiscal Responsibility Act.

Advocacy recommended CEQ reconsider the Phase 2 proposed rule and focus on preserving the procedural nature of NEPA and fulfilling the goals of the bipartisan Fiscal Responsibility Act.

A complete copy of Advocacy’s letter to OSHA is available at: <https://advocacy.sba.gov/wp-content/uploads/2023/09/FINAL-NEPA-Phase-2-Comment-Letter.pdf>. For more information, please contact Assistant Chief Counsel Nick Goldstein at (202) 772-6948 or by email at [nick.goldstein@sba.gov](mailto:nick.goldstein@sba.gov).

